



Serial No.: 09/893,314
Docket No.: 506422.0047

1762

Jfw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Phillip B. Blankenship et al.
Serial No. : 09/893,314
Filing Date : June 27, 2001
Title : METHOD FOR SELECTING AN ASPHALT
MIXTURE FOR MAKING AN INTERLAYER AND
METHOD OF MAKING AN INTERLAYER
Group/Art Unit : 1762
Examiner : Eric B. Fuller
Confirmation No. : 2106
Docket No. : 506422.0047

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action dated July 12, 2004, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper. Please charge \$86 fee for an additional independent claim to Deposit Account No. 19-4409.

Remarks begin on page 8 of this paper.

file processed

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: September 1, 2004

Signature: Jessica V. Barnard

Printed Name: Jessica V. Barnard

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

Conclusions

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims now presented are patentable over the prior art of record and therefore in condition for allowance and eventual issuance. Such action is respectfully requested. Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, please contact the undersigned attorney at the number listed below.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-4409.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

By: Susan W. Bell
Susan Wharton Bell, Reg. No. 41,524
STINSON MORRISON HECKER LLP
1201 Walnut, Suite 2800
Kansas City, MO 64106-2150
Telephone: (816) 842-8600
Facsimile: (816) 691-3495